

**REMARKS****A. Status of the Claims and Explanation of the Amendments**

Claims 1-18 are pending in this application and currently stand rejected. Claims 1-4, 6, 8-15, and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,504,599 to Okibayashi *et al.* ("Okibayashi") in view of U.S. Patent No. 6,507,379 to Yokoyama *et al.* ("Yokoyama"). Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Okibayashi and Yokoyama, in further in view of U.S. Patent No. 5,684,365 to Tang *et al.* ("Tang"). Claims 7 and 18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Okibayashi and Yokoyama in view of U.S. Patent No. 6,830,494 to Yamazaki *et al.* ("Yamazaki").

**B. Applicant's Claim Are Patentable Over the Cited References**

Applicant respectfully traverses the rejections of claims 1-18 as set forth above, for at least the following reasons: (1) the proposed combinations of references impermissibly change the principle of operation of a reference, and (2) the rejection of claims 5 and 16 appears to mischaracterize a reference. Accordingly, the rejections under 35 U.S.C. §103(a) should be withdrawn.

1. **The Device That Results From the Proposed Combination Would Improperly Change the Principle of Operation of A Reference.**

In rejecting claims 1-4, 6, 8-15, and 17 under 35 U.S.C. §103(a), the Office Action alleges that one of ordinary skill in the art at the time Applicant's invention was made would have been motivated to insert the red, green, and blue electroluminescent layers of

Yokoyama into the device of Okibayashi. The alleged motivation for this combination was that these layers, when placed in Okibayashi's device, would "emit white light through equal summation of the primary colors, which can produce bright images using a lower voltage (see column 1, lines 60-65 [of Yokoyama])" [see July 26, 2005 Final Office Action, last two lines of page 3].

Applicant respectfully disagrees and maintains that the proposed combination would improperly change the principle of operation of Okibayashi. This can be seen by looking at Okibayashi's device as a whole, rather than as disjointed parts. For example, Okibayashi states that the light emitting phosphor layer is driven by an alternating current voltage from lighting drive 43. [Okibayashi, col. 7, lines 22-23]. For Okibayashi's device, this AC voltage is sufficient to cause light emission by the Mn in the phosphor layer, as a result of excitation by electrons accelerated in the electric field [see Okibayashi, col. 7, lines 27-31].

However, if one were to replace Okibayashi's light emitting phosphor layer with the red, green, and blue electroluminescent layers of Yokoyama, as proposed by the Office Action, one would essentially be driving Yokoyama's electroluminescent layers with an alternate current voltage. However, it appears that Yokoyama's electroluminescent layers must be driven by a direct voltage. For example, Yokoyama's specification at column 9, lines 12-17 explains that light emission is due to recombination of electrons injected from the cathode and positive holes injected from the anode. This implies that one of the electrodes serves as a cathode, while the other serves as an anode, and the voltage is not alternating. This assertion is further supported by Yokoyama's specification at column 18, lines 20-24, which states that "[w]hen a **fixed DC voltage** (for example about 10 volts) is applied between transparent electrode layer 122 and reflecting electrode layer 126 of organic electroluminescent element 12, light is emitted

from luminescent layer 125” [emphasis added].

Accordingly, Applicant respectfully asserts that the proposed combination of Okibayshi and Yokoyama would improperly change the principle of operation of Okibayashi, and would not produce a device with the intended function. Accordingly, the rejection of claims 1-4, 6, 8-15, and 17 should be withdrawn. See MPEP §2143.02 , and *In re Ratti*, 270 F.2d. 810, 123 USPQ 349 (CCPA 1959) (obviousness rejection improper where the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate”.) 270 F.2d at 813, 123 USPQ at 352.

Reconsideration and withdrawal of the rejections of claims 1-4, 6, 8-15, and 17 are respectfully requested.

2. Claims 5 and 16 Are Not Obvious Over the Cited References

The Final Office Action of July 26, 2005 rejects Applicant’s claims 5 and 16 by cobbling together various teachings of Okibayashi, Yokoyama, and Tang. But the rejection does not appear to withstand close scrutiny.

On page 5 of the Final Office Action, the Office Action concedes that Okibayashi and Yokoyama do not teach that the electroluminescent material is an organic material. Accordingly, the Office Action appears to rely on Okibayashi as the primary reference, on Yokoyama for red, green, and blue electroluminescent layers, and on Tang for a teaching that the electroluminescent material is an organic material. If this understanding is correct, then it is Applicant’s further understanding that the Office Action is proposing to substitute the organic electroluminescent layers of Tang for the red, blue, and green electroluminescent layers of

Yokoyama. Applicant maintains that this substitution can only be proper if Tang also discloses red, green, and blue organic electroluminescent layers. Otherwise, the Office Action would be adding features to Tang's electroluminescent layers that are not actually disclosed by Tang (e.g., the ability to emit red, blue, and green light).

Applicant, however, has performed a computerized word search of Tang and does not see where Tang teaches, discloses, or suggests red, green, and blue organic electroluminescent layers as recited in Applicant's claims. Accordingly, Applicant respectfully asserts that the Office Action's reliance on Tang is misplaced, and the rejection should be withdrawn.

Reconsideration and withdrawal of the rejections of claims 5 and 16 are respectfully requested.

3. Claims 7 and 18 Are Patentable Over the Cited References

In rejecting claims 7 and 18, the Final Office Action relies on Okibayashi and Yokoyama for all of the claim elements, with the exception of the claim element that the passivation layer is made of silicon nitride, silicon oxide, or diamond-like carbon. For this claim element, the Office Action concedes that neither Okibayashi nor Yokoyama teach such a passivation layer. For this element, the Office Action relies on Yamazaki.

However, as noted above, the proposed combination of Okibayashi and Yokoyama improperly changes the principle of operation of the device and would not function in its intended manner. Yamazaki does not appear to alleviate this deficiency of the proposed combination. Accordingly, the rejection of claims 7 and 18 are not well taken and should be withdrawn.

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Reconsideration and withdrawal of the rejection of claims 7 and 18 are respectfully requested.

**CONCLUSION**

Applicants respectfully request entry of the foregoing remarks into the file of the application. Applicants believe that each ground for rejection has been successfully overcome or obviated, and that all pending claims are in condition for allowance. Withdrawal of the Examiner's rejections, and allowance of the application, are respectfully requested.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 5000-5112. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time to make this response timely, and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5000-5112. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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Dated: November 28, 2005

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